

Remarks

Reconsideration of this Application is respectfully requested.

Upon entry of the foregoing amendment, claims 1-56 are pending in the application, with 1, 5, 18, 31 and 44 being the independent claims. These changes are believed to introduce no new matter, and their entry is respectfully requested.

Based on the above amendment and the following remarks, Applicant respectfully requests that the Examiner reconsider all outstanding objections and rejections and that they be withdrawn.

Objections to the Drawings

Figure 2 stands rejected as being allegedly prior art. Applicant respectfully objects to any characterization of Figure 2 as prior art. The characterization of various VDSL frequency bands as upstream, downstream, or both upstream and downstream is not considered prior art. Further, the specification, page 7, lines 15-20, refers to the VDSL spectral allocations as "example VDSL technology spectral allocations" and "possible spectral allocations for Type A, Type E, and Type S VDSL modems in accordance with embodiments of the present invention." Therefore, Applicants respectfully submit that Figure 2 should not be labeled "prior art." Reconsideration and withdrawal of the objection to Figure 2 is respectfully requested.

Claim Objections

Claims 10, 12, 15, 23, 25, 28, 36, 38, 41, 49, 51, and 54 stand objected to because they contained an acronym. These claims have been amended to clarify the claims by expanding the acronym. Reconsideration and withdrawal of the objections to claims 10, 12, 15, 23, 25, 28, 36, 38, 41, 49, 51, and 54 are respectfully requested.

Rejections Under 35 U.S.C. § 112

Claims 6-17, 19-30, 32-43, and 45 stand rejected under 35 U.S.C. 112, second paragraph, for allegedly being indefinite. Claims 6, 19, 32, and 45 have been amended to correct antecedent basis. Applicant respectfully submits that this amendment renders the rejection moot. Reconsideration and withdrawal of claims 6-17, 19-30, 32-43, and 45 are respectfully requested.

Rejections Under 35 U.S.C. § 103

Claims 1-8, 11, 13, 14, 16-21, 24, 26, 27, 29-34, 37, 39, 40, 42-47, 50, 52, 53, 55, and 56 stand rejected under 35 U.S.C. 103(a) as being allegedly unpatentable over U.S. Pat. Appl. No. 2004/0146148 to Olafsson et al. ("Olafsson") in view of alleged applicant admitted prior art ("AAPA"). Applicants respectfully traverse.

The cited references, alone or in combination, do not teach or suggest each and every element in claim 1. For example, the alleged AAPA merely discloses that existing technologies perform handshaking procedures for selecting transmission parameters for a selected xDSL technology. However, this is not what is claimed in claim 1. Claim 1

provides that a "modified capability indicator" is "used to indicate that said central modem is able to select a direction of transmission over one or more frequency bands available for use by said central modem." Referring to the specification, immediately before the section the Examiner claims is AAPA, Applicants state: "In previous xDSL technologies, a transceiver system did not have the option of selecting whether a band was upstream or downstream" (page 8, lines 12-14). Any previous xDSL handshaking procedures therefore do not address this feature. Further, neither the alleged AAPA nor Olafsson discuss using a modified capability indicator to determine the frequency band for which the direction of transmission is selected. Thus, the combination of the statements referring to previous xDSL technologies, on page 8, lines 14-19 of the specification, when combined with Olafsson still do not teach or suggest a modified capability indicator that is "used to indicate that said central modem is able to select a direction of transmission over one or more frequency bands available for use by said central modem." For at least these reasons, claim 1 is patentable over Olafsson in view of the alleged AAPA. Reconsideration and withdrawal of the rejection of claim 1 is respectfully requested.

Claims 2-4 depend directly or indirectly from claim 1. Applicants respectfully submit that claims 2-4 are patentable for at least the same reasons discussed with respect to claim 1. Reconsideration and withdrawal of the rejections of claims 2-4 are respectfully requested.

Similarly, the cited references, alone or in combination, do not teach each and every element of claims 5, 18, 31, and 44. For example, each of claims 5, 18, 31, and 44 claims that a "modified capability indicator" is "used to indicate that a central modem is able to select a direction of transmission over one or more frequency bands available for

use by said central modem." As discussed above with respect to claim 1, neither Olafsson or the alleged AAPA teaches nor suggests this feature. For at least these reasons, Applicants respectfully submit that claims 5, 18, 31, and 44 are patentable over Olafsson and the alleged AAPA. Reconsideration and withdrawal of the rejections of claims 5, 18, 31, and 44 is respectfully requested.

Claims 6-8, 11, 13-14, and 16-17 depend directly or indirectly from claim 5. Claims 19-21, 24, 26-27, and 29-30 depend either directly or indirectly from claim 18. Claims 32-34, 37, 39-40, and 42-43 depend either directly or indirectly from claim 31. Claims 45-47, 50, 52-53 and 55-56 depend either directly or indirectly from claim 44. Therefore, Applicants respectfully submit that these claims are patentable for at least the same reasons discussed with respect to claims 5, 18, 31, and 44. Reconsideration and withdrawal of the rejections of claims 6-8, 11, 13-14, 16-17, 19-21, 24, 26-27, 29-30, 32-34, 37, 39-40, 42-43, 45-47, 50, 52-53 and 55-56 are respectfully requested.

Conclusion

All of the stated grounds of objection and rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider all presently outstanding objections and rejections and that they be withdrawn. Applicant believes that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this Amendment and Reply is respectfully requested.

Respectfully submitted,

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